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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,735	11/30/2006	Lawrence M. Blatt	INTM-019/01US 095185-2162	2009
58249 7590 11/17/2009 COOLEY GODWARD KRONISH LLP ATTN: Patent Group Suite 1100 777 - 6th Street, NW WASHINGTON, DC 20001			EXAMINER HOWARD, ZACHARY C	
			ART UNIT 1646	PAPER NUMBER
			MAIL DATE 11/17/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/555,735

Examiner

ZACHARY C. HOWARD

Applicant(s)

BLATT, LAWRENCE M.

Art Unit

1646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 03 March 2009 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Bridget E Bunner/  
Primary Examiner, Art Unit 1647

Continuation of 4(e) Other:

The amendment to the claims filed on 3/3/09 is considered non-compliant because it has failed to meet the requirements for amendments to the claims.

Specifically, the following amendments to the claims in the claim listing filed on 3/3/09 are not amendments compliant with 37 CFR 1.121(c)(2), which states, "All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims."

In claim 1, lines 5-6, the words "to", "different" and "selected from" have been deleted without markings indicating such (i.e., strikethrough), and the word "each" has been added without markings indicating such (i.e., underlining).

This is further illustrated by the following comparison:

In the previous listing of the claims (11/7/05), lines 5-6 of claim 1 recite:

"in amino acid identity and number to sub-sequences of different, naturally occurring CXCR3 ligands selected from IP-10 ..."

In the proposed amendments filed on 3/3/09, lines 5-6 of claim 1 recite:

"in amino acid identity and number sub-sequences of each naturally occurring CXCR3 ligands IP-10..."

In claim 5, line 2, the word "claim" has been added without markings indicating such (i.e. underlining). The word "claims" that is present in the previous version of the claim (11/7/05) has been deleted; thus, the word "claim" is a new addition to the claim and should be underlined.

As a courtesy it is further noted that Applicants' response to the previous Office Action does not contain any response to the errors noted in Applicants' Application Data Sheet (see pg 2-3 of the 8/20/08 Office Action, section titled "Application Data Sheet").

As noted therein, "Applicants submitted an ADS on 11/30/06 that includes "Domestic Priority Information". This information incorrectly lists the filing date of U.S. Provisional Application 60/471404 as May 13th, 2003. USPTO records indicate that this application was filed on May 16th, 2003. In addition, the first box of the first line of the Domestic Priority Information is blank where the instant Application Number (10/555735) should be present. Appropriate correction is required."